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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,010	10/06/2000	William W. Smith III	PSTM0002/MRK	9819
29524	7590	12/07/2005	EXAMINER	
KHORSANDI PATENT LAW GROUP, A.L.C. 140 S. LAKE., SUITE 312 PASADENA, CA 91101-4710			WEBB, JAMISUE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/684,010

Applicant(s)

SMITH ET AL.

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6,7,9,10,31 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) 41-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,9,10 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date. <u>20051129</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 41-43 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims were directed to a computer system with multiple servers for different tasks. The newly presented claims are directed to a computer system which receives online tracking requests, identifies carriers and polls a network, which is not presented in the original claim.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 41-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

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commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al. (5,631,827) in view of Robbins (US 2005/0246359).

5. With respect to Claims 1 and 6: Nicholls discloses the use of a centralized computer system for the management of shipping (see abstract), comprising:

- a. A plurality of functionally aligned server computer devices, which are programmed to perform a specific function (See figures 2 and 6).
- b. A first server computer device which is adapted for communicating access of the user (Supervisory Server, Figure 6 with corresponding detailed description); and
- c. A second server used for rating parcels (Rate Server, Figure 6).

6. Nicholls discloses the use of multiple servers performing specific functions (See Figure 2) but fails to disclose the use of a server used for tracking. Robbins discloses the use of a Delivery Tracking System with a specialized Tracking Server (reference numeral 8, figure 1 and abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nicholls to include the tracking server of Robbins, in order to provide tracking service to shippers and recipients with controlled access to the data through a query response interface made available by a tracking server. (See Robbins, Page 1)

7. With respect to Claim 3: See Nicholls, Document Server.

8. With respect to Claim 4: See Nicholls, Figures 4A, 4B.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls and Robbins, as disclosed above for Claim 1, and further in view of Kara et al. (6,233,568) and Barnett et al. (6,369,840).

10. Nichols discloses a multiple carrier system that calculates rates for carriers with specific parameters such as a notification of delivery, however Nicholls discloses the automatic selection of a carrier and fails to disclose simultaneously displaying the rates of the carriers to the user. Kara discloses a computer program used for multiple shippers that simultaneously displays that calculate shipping rates of multiple carriers for multiple services (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item. (See Kara, column 22)

11. Nicholls and Kara, disclose the use of calculating and displaying rates for specific services, for multiple carriers, but fails to disclose the simultaneous display of the rates. Barnet discloses the use of a calendar which can be used for online purchasing of services (column 2, lines 63-67), where there is simultaneous display of services offered with respect to providers and time (See Figure 9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nicholls and Kara to display the calculation of shipping rates, calculated by Nicholls and Kara in the format of a simultaneous display, as disclosed by Barnett, in order to provide a multi-layers

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system wherein different categories can be overlaid on one another providing a single integrated display that allows a user to order or purchase a system based on the calendar day and time (See Barnett, column 2).

12. Claims 7, 9 and 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls in view of Kara et al. (6,233,568).

13. With respect to Claims 7, 9 and 31: Nicholls discloses the use of a centralized computer system and method for the management of shipping (see abstract), comprising:

- d. A plurality of functionally aligned server computer devices, which are programmed to perform a specific function (See figures 2 and 6).
- e. A first server computer device which is adapted for communicating access of the user (Supervisory Server, Figure 6 with corresponding detailed description) and accepting parcel information, See Figures 4A and 4B).
- f. A second server used for rating parcels for multiple carriers for multiple services (Rate Server, Figures 2 and 6).

14. Nichols discloses a multiple carrier system that calculates rates for carriers with specific parameters such as a notification of delivery, however Nicholls discloses the automatic selection of a carrier and fails to disclose simultaneously displaying the rates of the carriers to the user. Kara discloses a computer program used for multiple shippers that simultaneously displays that calculate shipping rates of multiple carriers for multiple services (See Figure 8, column 22, lines 20-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the shipping rates of Nicholls be displayed to the user as disclosed by Kara, in order to present the user

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with information from which to make an informed choice as to a particular shipping service provider by which to ship a particular item. (See Kara, column 22)

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls and Kara as applied to claim 9 above, and further in view of Robbins (US 2005/0246359).

16. Nicholls discloses the use of multiple servers performing specific functions (See Figure 2) but fails to disclose the use of a server used for tracking. Robbins discloses the use of a Delivery Tracking System with a specialized Tracking Server (reference numeral 8, figure 1 and abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nicholls to include the tracking server of Robbins, in order to provide tracking service to shippers and recipients with controlled access to the data through a query response interface made available by a tracking server. (See Robbins, Page 1)

### ***Response to Arguments***

17. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

18. With respect to Applicant's stated on the IDS filed 11/17/04. For this case there is no IDS of record that is filed November 17, 2004. Therefore it is unclear which statement this is referring to. Furthermore, it states that the copy of the post card was sent, yet it was not received.

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19. With respect to the Drawings, the formal drawings have been accepted and placed in the applicants file.

*Conclusion*

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hillbush et al. (US 2005/0038758) discloses the use of a shipping system with multiple servers each performing specific functions.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

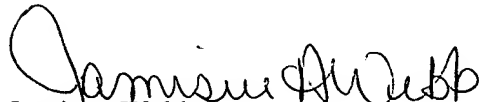
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

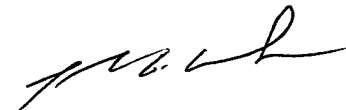


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jamisue Webb

  
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